

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CASTLERIGG MASTER INVESTMENTS LTD  
and SANDELL ASSET MANAGEMENT CORP.

Plaintiffs,

07 Civ. 3283 (PKC)

-against-

DEVCON INTERNATIONAL CORP.,

Defendant.  
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P. KEVIN CASTEL, District Judge:

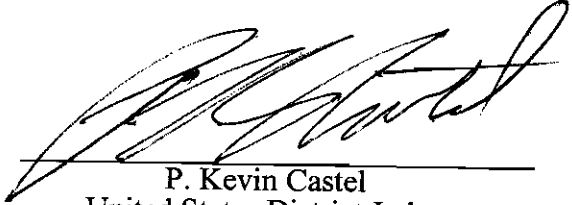
Unless I am missing something fairly obvious, the motion to amend was filed in violation of this Court's Individual Practices requiring a premotion conference. The fact that the Case Management Plan and Scheduling Order contemplates that the need may arise for various motions, including a motion to amend pleadings and/or a summary judgment motion, does not exempt any such motion from the premotion conference requirement. Had such a conference been held, I would have required defendant to provide the actual text of the counterclaim to opposing counsel (and not a mere description).

I will require defendant to explain the failure to comply with the premotion conference requirement in a letter faxed to Chambers by July 11.

Plaintiffs now have the proposed amendment. The action is in its very early stage. The absence of an objection to the amendment does not waive any defense they may have to the counterclaim. I will require a letter brief from plaintiffs, faxed to Chambers by July 13, stating their position on the amendment and laying out any basis for their opposition. Defendants' reply, if any, is due by July 18. I will then decide the motion.

SO ORDERED.

Dated: New York, New York  
July 5, 2007



P. Kevin Castel  
United States District Judge